

Chapter VII

Legislators' Districts, Qualifications, Terms, and Compensation

United States Senators

The Constitution of the United States provides that "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years . . ." ¹ and that "No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." ² The salary received by United States Senators is \$129,500 per year. ³

If a vacancy occurs in the representation of this state in the Senate of the United States, the Governor must issue a writ of election to fill the vacancy. However, the Governor may appoint and commission an elector of this state, who possesses the qualifications for the office, to fill the vacancy until his or her successor is elected and qualifies and is admitted to his or her seat by the United States Senate. ⁴

Because the Federal Constitution provides that the two United States Senators from California are to be elected from the state at large, there is no apportionment of these districts by the Legislature.

House of Representatives

The United States Constitution provides that Representatives in Congress shall be apportioned among the several states according to their population. ⁵ In accordance with the 1990 federal census, California is entitled to 52 Representatives in Congress, more than any other state in the Union.

The California Constitution sets forth guidelines which the State Legislature must follow in the formation of the districts from which these Representatives are to be elected. ⁶

The Federal Constitution provides that Representatives in Congress must be at least 25 years of age, they must have been citizens of the United States for seven years, and they must be inhabitants of the state from which they are chosen. Their terms of office are two years, ⁷ and their salaries are set at \$129,500 a year. ⁸

¹ *United States Constitution*, Amendment XVII.

² *United States Constitution*, Article I, Section 3(3). The Attorney General has opined that the language in the *Elections Code*, Section 25001, requiring the appointee to be a California elector enlarges upon the qualifications for the office of United States Senator as contained in the United States Constitution and is therefore invalid. 44 *Op. Att'y Gen.* 30.

³ 2 U.S.C.A. 31; Exec. Order No. 12,786, 56 Fed. Reg. 67,453. The Speaker of the House of Representatives receives \$166,200 and the Majority and Minority Leaders each receives \$143,800 per year.

⁴ *United States Constitution*, Amendment XVII; *Elections Code*, Section 25001.

⁵ *United States Constitution*, Amendment XIV, Section 2.

⁶ *Constitution*, Article XXI, Section 1.

⁷ *United States Constitution*, Article I, Sections 1, 2.

⁸ 2 U.S.C.A. 31; Exec. Order No. 12,786, 56 Fed. Reg. 67,453. The President pro Tempore of the U.S. Senate, the Senate Majority Leader, and the Senate Minority Leader each receives \$143,800 per year.

Congressional Term Limits

In November 1992, California voters passed Proposition 164, which enacted a limitation on the number of terms a U.S. Senator or Representative from California may serve. This represented an expansion of the scope of term limits from Proposition 140, passed two years earlier, which only acted to limit the terms of elected state government representatives.

Under the provisions of Proposition 164 a candidate for the office of U.S. Senator or Member of the House of Representatives is denied access to appear on the ballot if he or she has served either (1) 12 or more of the previous 17 years as a U.S. Senator; or (2) six or more of the previous 11 years as a Representative.⁹ All other qualifications for these two elected offices are unaffected by this provision.

Senate and Assembly Districts

The Legislature of California is composed of a Senate consisting of 40 Senators who are elected for a maximum of two four-year terms and an Assembly of 80 members, each elected for no more than three two-year terms.¹⁰ Such a legislature, composed of two houses, is called bicameral, while a legislature with only one house is known as unicameral. California employs the bicameral system as do 48 other states. Nebraska is the only state in the Union with a unicameral legislature.

Reapportionment of Districts

Since 1880, the federal census, taken every 10 years, has been the basis upon which the Assembly, senatorial, and congressional districts have been apportioned.¹¹

Prior to the adoption of the 1965 Reapportionment Plan, Senate districts could not be composed of more than three counties, and Assembly districts were based upon population. No county lines could be crossed in the formation of either Senate or Assembly districts, and, in the case of Senate districts, no county, or city and county could be divided, nor could any county, or city and county, contain more than one district.

1965 Reapportionment

In 1965, the California Supreme Court, prompted by a series of United States Supreme Court decisions espousing the "one man, one vote" principle,¹² and particularly a federal district court ruling holding that California's State Senate was unconstitutionally

⁹ *Elections Code*, Section 25003.

¹⁰ *Constitution*, Article IV, Sections 1, 1.5 and 2(a).

¹¹ *Constitution*, Article XXI, Sec. 1. Provision was made in the 1849 *Constitution* that an enumeration of the inhabitants of this state should be taken, under the direction of the Legislature, in 1852 and 1855, and at the end of every 10 years thereafter. These enumerations, together with the federal census taken in 1850, and every 10 years thereafter, were to serve as the basis of representation for both houses of the Legislature.

The *Constitution of 1879*, Article IV, Section 6, provided that the federal census of 1880 and every 10 years thereafter be the sole basis for representation, and only those persons excluded from citizenship by the naturalization laws were to be omitted when making such readjustment. This section was amended November 2, 1926, to read "the Census taken under the direction of the Congress of the United States in the year 1920, and every 10 years thereafter, shall be the basis of fixing and adjusting the legislative districts."

¹² The court initiated this series of cases with its decision in *Reynolds v. Sims*, 377 U.S. 533 (1964).

apportioned,¹³ assumed jurisdiction and decided that both the Assembly and the Senate had to be reapportioned on the basis of population.¹⁴ The court established certain criteria to govern the new reapportionment, and also presented an alternative plan, should the Legislature fail to reapportion itself. In compliance with this ruling, the Legislature passed Assembly Bill No. 1 in October 1965, in special session, drawing new Assembly and Senate districts.¹⁵

While greatly affecting the Senate, this measure called for relatively modest changes in the lower house. For instance, San Francisco's five Assembly districts were reduced to four, and a new one, the 35th Assembly District, comprising parts of Orange and San Bernardino Counties, was created.

Following the reapportionment of the Senate and Assembly, the California Supreme Court in its application of the "one-man, one-vote" principle, held that the 1961 apportionment of the congressional districts was repugnant to the provisions of the United States Constitution.¹⁶ Prompted by this decision, the California Legislature in 1967 reapportioned California's congressional districts in accordance with the guidelines set forth by the United States Supreme Court.¹⁷

1971 Reapportionment

As required by the Constitution, in 1971 the Legislature passed bills providing for the reapportionment of congressional, Senate and Assembly districts, which were presented to the Governor.¹⁸ These bills were subsequently vetoed by the Governor,¹⁹ and as a result of this impasse, the issues were placed before the California Supreme Court.

The court held that the Governor had the authority to veto the reapportionment bills. However, the court, in the case of the congressional plan, was presented with the practical problem of deciding how to provide for the election of the five additional congressional seats to which California was entitled on the basis of the 1970 federal decennial census. In this case, the court held that Assembly Bill No. 16 would serve as the basis for electing California's Congressmen for the 1972 elections, as to hold otherwise would have required an extremely costly statewide election to fill the five additional seats and because the U.S. Congress had specifically mandated that the Members of Congress be elected from single member districts.²⁰

However, in the case of the Assembly and senatorial districts, the court found no compelling reason to disregard the veto of the

¹³ *Silver v. Jordan*, 241, F. Supp. 576 (S.D. Cal. 1964), *aff'd*, 381 U.S. 415 (1964).

¹⁴ *Silver v. Brown*, 63 Cal. 2d 270.

¹⁵ Formerly *Elections Code*, Sections 30100, 30201 (repealed 1975). For current Assembly and Senate districts, see *Wilson v. Eu*, 1 Cal. 4th 707, 741 (Appendix: Report and Recommendation of Special Masters on Reapportionment).

¹⁶ *Silver v. Reagan*, 67 Cal. 2d 452.

¹⁷ *Elections Code*, Section 30000 (repealed 1975). For present congressional districts, see *Wilson v. Eu*, 1 Cal. 4th 707, 741 (Appendix: Report and Recommendation of Special Masters on Reapportionment).

¹⁸ 1971 First Extraordinary Session: AB No. 16—congressional reapportionment; SB No. 2—Senate reapportionment; AB No. 12—Assembly reapportionment.

¹⁹ *Journal of the Assembly*, 1971 1st Extraordinary Session, January 3, 1972, pp. 513–519; *Journal of the Senate*, 1971 1st Extraordinary Session, January 3, 1972, pp. 336–337.

²⁰ 2 U.S.C.A. 2(c).

Governor, and held that unless the Legislature enacted valid legislative reapportionment statutes in time for the 1972 elections (i.e., that the Governor does not veto the bills, and that the veto was not subsequently overridden by the Legislature) that the Members of the California State Legislature would be elected from the existing districts.

In addition, the court retained jurisdiction to draft new reapportionment plans (for congressional, Senate and Assembly districts), governing the elections of 1974 through 1980, if valid legislation was not passed by the Legislature by the end of the 1972 Regular Session.²¹

By the end of the 1972 session, the issue of reapportionment had still not been resolved. In 1973 the court indicated that, while it retained and was exercising jurisdiction, it would entertain an application to dismiss the proceedings if valid congressional and legislative plans were enacted.

Accordingly, the Legislature, pursuing a different tack, presented to the Governor a single bill containing proposed California congressional, senatorial and Assembly districts.²² Again, however, the Governor vetoed the bill.²³

The Supreme Court, having anticipated an impasse similar to the one with which it was confronted in 1972, had early in 1973 appointed Special Masters and a staff to prepare reapportionment plans for the various districts involved. The plan, with minor variations, was adopted by the Supreme Court as the basis for the new districts for the 1974 elections.²⁴

1981 Reapportionment

In 1981, the legislation was enacted creating new congressional, Assembly and senatorial districts.²⁵ The plans adopted were not acceptable to most of the Republican members and a referendum drive was launched almost immediately after the bills were signed by the Governor.

On December 15, the Secretary of State announced that the referendum petitions contained the requisite number of signatures (five percent out of all the votes cast for Governor at the last gubernatorial election) to place them on the ballot.

In the meantime, four separate suits had been brought against the chairmen of the California Republican Party and the Republican National Committee attacking the referendum petitions and asking the Supreme Court of California to use the newly formed districts in the 1982 elections.²⁶ The Supreme Court consolidated the proceedings and rendered its decision on January 28, 1982.

²¹ *Legislature v. Reineke*, 6 Cal. 3d 595. The court also held that the Reapportionment Commission, as constituted by Article IV, Section 6, of the California Constitution, has no jurisdiction to reapportion the Legislature.

²² Senate Bill No. 195, 1973-74 Regular Session.

²³ *Journal of the Senate*, 1973-74 Regular Session, June 27, 1973, pp. 3866-70.

²⁴ This ultimate "plan" took shape through a series of four Supreme Court decisions: *Legislature v. Reineke*, 6 Cal. 3d 595; *Brown v. Reagan*, 7 Cal. 3d 166; *Legislature v. Reineke*, 9 Cal. 3d 166; and *Legislature v. Reineke*, 10 Cal. 3d 396.

²⁵ *Elections Code*, Sections 30030-30032 and *Statutes of 1981*, Chapter 590 (Congress); *Elections Code*, Sections 30010-30012 (Assembly); *Elections Code*, Sections 30020-30023 (Senate).

²⁶ *Assembly of the State of California v. Deukmejian*, 30 Cal. 3d 638.

The court found merit in the petitioners' contention that the referenda contained substantive violations of statutory law, but held that the court's policy of liberally construing the power of referendum should be continued. The court decided that, although the referenda did not strictly comply with the legal requirements,²⁷ these defects were not sufficient to overcome the court's predilection to preserve the constitutional power of referendum and, therefore held the referendum valid. The Secretary of State was directed to place it on the June 1982 primary ballot.

On the question of which districts were to be used for nominating Assembly, Senate and congressional candidates for the June primary and the members-elect in November; the court was presented with a dilemma. The court found it necessary to weigh one constitutional provision against another, i.e. the peoples' referendum power in the California Constitution²⁸ versus the "equal protection" clause of the Federal and State Constitutions and the California Constitutional directive that the *Legislature* establish Assembly, Senate and congressional district boundaries.²⁹

In reaching its decision, the court rejected the solution of conducting the elections in the *old* Assembly and Senate districts; which a previous court had reached. The court felt that the existing districts were too malapportioned as a result of population shifts occurring in the seventies to serve as the basis for 1982 elections and concluded that the equal protection (one man, one vote) considerations were the more compelling of the competing constitutional imperatives and concluded (four to three) that the 1981 legislation would be the basis for electing Assembly Members, Senators and California's Representatives in Congress in the 1982 primary and general elections.

The referendum was successful, and as a result the 1981 reapportionment plans were rejected and inoperable for elections after 1982.³⁰ When the 1983-84 Legislature reconvened for the regular session, the Governor issued a proclamation convening the 1983-84 First Extraordinary Session to consider again the questions of reapportioning Assembly, Senate and congressional seats.³¹

The Legislature responded by enacting new reapportionment plans for Assembly, Senate and congressional districts.³² The bill affecting Assembly and Senate districts contained an urgency clause causing the bill to take effect immediately, thereby forestalling any referendum attempt.

With the referendum alternative denied, the opponents instigated a successful initiative petition. The initiative redrew the district boundaries contained in the latest legislatively approved districts.³³ The Governor subsequently called a special election to present the

²⁷ See *Elections Code*, Sections 3503 and 3516.

²⁸ *Constitution*, Article II, Section 10(a).

²⁹ *United States Constitution*, Amendment XIV; *Constitution*, Article I, Section 7 and Article XXI, Section 1.

³⁰ *Propositions 10, 11 and 12*, June 8, 1982 direct primary election.

³¹ *Journal of the Assembly, 1983-84 First Extraordinary Session*, December 6, 1982, p. 3; and *Journal of the Senate, 1983-84 First Extraordinary Session*, December 6, 1982, p. 2.

³² *Statutes of 1983-84 First Extraordinary Session, Chapters 6 and 8*.

³³ The initiative was dubbed the "Sebastiani Plan" after its main proponent, Assemblyman Don Sebastiani.

initiative to the electorate.³⁴ However, the Legislature and 28 members of California's congressional delegation petitioned and attacked the constitutionality of the initiative in the Supreme Court. The Supreme Court agreed with the petitioners.³⁵ The court found that, under Article XXI of the California Constitution, redistricting could occur only once during the 10-year period following the decennial census and that the Legislature had accomplished such redistricting, and, therefore, a second redistricting plan, even though proposed by initiative, could not be submitted to the voters. As a result, the California Members of Congress and the Members of the State Legislature were elected from districts created by the legislation passed in the 1983–84 First Extraordinary Session.

1991 Reapportionment

The decennial federal census conducted in 1990 began a familiar series of events on the road to redrawing district lines in California for Assembly, Senate, Board of Equalization and congressional districts.

In the closing months of 1991, the Legislature finalized and passed three different plans to redraw Assembly, Senate and Board of Equalization districts, and to provide for the seven new congressional seats to which California was entitled as a result of population growth.³⁶ All three of the bills were passed on partisan lines; all three were vetoed by the Governor.³⁷ Despite there being just seven months until the primary elections scheduled for June 1992, California was once again without a constitutionally valid set of districts.

As in previous years, the issue was brought before the State Supreme Court. On September 25, just two days after the Governor's veto of the three reapportionment bills, the Supreme Court announced its intent to appoint a panel of Special Masters to take on the task of redrawing district lines.³⁸ In making its decree, the court recalled its similar actions in 1973 and cited as justification its responsibility for ensuring that the protections of the federal Voting Rights Act and principles of equal protection were extended to all Californians.

Though the court noted the similarities between its actions here and the events of 1973, one fact in this case stood in contrast to that previous year. Where the court had given the 1973 Special Masters five months to prepare their report, the 1991 panel would have only two. This compressed time period, the court noted, was necessitated by a key statutory deadline before which the new district information for the June primary had to be in place.³⁹

³⁴ Governor's Proclamation, issued pursuant to *Constitution*, Article II, Section 8(c); *Elections Code*, Sections 2553, 2651, filed July 17, 1983. The election was set for December 13, 1983.

³⁵ *Legislature of the State of California v. Deukmejian*, 34 Cal. 3d 658.

³⁶ 1991–92 Regular Session, AB No. 2239, SB Nos. 287 and 587. Each individual bill contained a complete set of district lines for Assembly, Senate, Congress and Board of Equalization districts.

³⁷ *Journal of the Assembly, 1991–92 Regular Session*, September 23, 1991, p. 4845; *Journal of the Senate, 1991–92 Regular Session*, September 23, 1991, pp. 4456–4459.

³⁸ *Wilson v. Eu*, 54 Cal. 3d 471.

³⁹ *Elections Code*, Section 6462. Requires the Secretary of State to notify each county clerk of all offices in each district to which candidates may be nominated.

Over the next two months, the Special Masters studied the issue, taking public testimony at hearings in Sacramento, San Francisco, San Diego, and Los Angeles. Aided by the considerable advances in computer technology since 1973, the Special Masters were able to redraw all the district lines and complete their assignment on time by submitting their report to the Supreme Court on November 29, 1991. On January 27, 1992, with just 22 days remaining until the deadline, the Supreme Court formally adopted, with minor modifications, the plans submitted by the Special Masters.⁴⁰

The lines adopted by the Supreme Court will remain in place until the next federal census takes place in the year 2000. The completion of that census and release of new population data will set the reapportionment process in motion once again.

Qualifications of Members of the Legislature

Members of the Senate and Assembly must be over 18 years of age, citizens of the United States, and inhabitants of the state for three years, and of the district each represents for one year immediately preceding their election.⁴¹

The Constitution provides that each house shall judge the qualifications and elections of its members.⁴²

In 1911, women were granted the right to vote in California,⁴³ although women's suffrage was not included in the Federal Constitution until 1920, when the 19th Amendment was ratified by the states. This amendment provides that "the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." The 19th Amendment did not confer upon women the right to vote, but it did prohibit the various states from discriminating against them in suffrage qualifications.

In 1918, four women (Esto Broughton, Grace Dorris, Elizabeth Hughes, and Anna Saylor) became the first women to serve in the California State Legislature, having been elected to the Assembly. When Senator Rose Ann Vuich was elected in 1976, she became the first woman ever to serve in the California State Senate.

Since 1918, a total of 48 women have served in the Assembly and seven in the Senate. Of this total, 24 women currently serve in the Assembly and five serve in the Senate, the greatest number at any time in California's history.

Term Limits

In November 1990, California voters narrowly passed Proposition 140, an amendment to the California Constitution limiting the terms

⁴⁰ *Wilson v. Eu*, 1 Cal. 4th 707.

⁴¹ *Constitution*, Article IV, Section 2(c). The *Constitution of 1849*, Article IV, Section 5, provided that a Member of the Legislature was required to be a citizen and inhabitant of the state for one year and of the county or district from which he was chosen for six months preceding his election. An amendment in 1862 upped the residence requirement to one year in the county or district from which he was to be chosen.

⁴² *Constitution*, Article IV, Section 5.

⁴³ *Constitution*, Article II, Section 1 (Amendment of 1911). See now *Constitution*, Article II, Section 2. Statewide suffrage was first granted to women in 1869 in Wyoming.

of state constitutional officers and Members of the Legislature.⁴⁴ Proponents of the measure argued that term limits would end the "unfair incumbent advantage" that discourages qualified candidates from seeking public office. Those in opposition responded, in part, that Proposition 140 would take away a voter's right to elect the public official of his or her choice.

Under Proposition 140, Senators are restricted to two four-year terms and Members of the Assembly to three two-year terms.⁴⁵ The limitation is a lifetime ban and applies to any member elected after November 1990. If a candidate is elected to fill more than half the remaining term of a previously elected member, that entire term will be counted toward the candidate's total allowable number of terms.⁴⁶

Other provisions of Proposition 140 limit the state in paying the employer's share for any legislator to participate in a retirement system. With the exception of "vested" retirement benefits, the measure prohibits the accrual of any additional pension or retirement benefits. Alternatively, members are allowed to participate in the federal Social Security program.⁴⁷

Proposition 140 also has had a dramatic impact on the Legislature by drastically reducing the legislative operating budget by approximately 40 percent. The Legislative Analyst's Office had estimated that legislative expenditures for the fiscal year following passage of the initiative would be reduced \$77.7 million. After the passage of the measure, this 40% reduction was implemented, resulting in massive layoffs in both houses of the Legislature and the premature retirement of many experienced and talented professional staff.⁴⁸

The term limit provisions additionally preclude the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, and members of the Board of Equalization from serving more than two four-year terms in office.⁴⁹ Comparable restrictions, however, on retirement benefits and operating budgets are not applicable to these constitutional officers.

Prior to the 1993–94 session, the Insurance Commissioner was not subject to term limits, that office not having been included within the scope of Proposition 140. A recently enacted statute, however, subjects the Insurance Commissioner to a limit of two four-year terms.⁵⁰

The long-term impact of the term limit initiative is unknown, but the face of California politics will change dramatically for years to come. In the election immediately following the passage of Proposition 140, in November 1992, the largest number of first-term

⁴⁴ Secretary of State, *Statement of Vote and Supplement, November 6, 1990, General Election*, p. 14. There were 3,744,447 votes for (52.2%) and 3,432,666 votes against (47.8%) the measure. The constitutionality of Proposition 140, with the exception of limits on vested legislative retirement benefits, was upheld by the California Supreme Court. *Legislature v. Eu*, 54 Cal. 3d 492. On March 9, 1992, the U.S. Supreme Court refused to review the California Supreme Court's decision. *Legislature v. Eu*—U.S.—, 112 S. Ct. 1292 (certiorari denied).

⁴⁵ *Constitution*, Article IV, Section 2.

⁴⁶ *Constitution*, Article XX, Section 7.

⁴⁷ *Constitution*, Article IV, Section 4.5.

⁴⁸ Compiled from, *After the Election: Analysis of Successful Propositions on the November 1990 Ballot*, California Senate Office of Research, pp. 14–15.

⁴⁹ *Constitution*, Article V, Sections 2 and 11; Article IX, Section 2; Article XII, Section 17.

⁵⁰ *Statutes of 1993*, Chapter 1227.

members since 1967 were elected to the Assembly. In that election, a total of 27 new members were elected to the lower house. A similar trend is occurring in the Senate. Moreover, several legislative seats were filled in special elections in both the Senate and Assembly during the 1993–94 session. This trend of special elections will likely continue as members, regardless of their performance, seek higher office or otherwise make career changes in the face of limited terms in office.

Compensation of Members

The Members of the First Legislature received \$16 per diem and \$16 mileage for every 20 miles traveled to and from the State Capitol, then located at San Jose.⁵¹

The Constitution of 1879 provided for per diems of not to exceed \$8, mileage not to exceed 10 cents per mile, and contingent expenses not to exceed \$25 for each session.

In 1908, the Constitution was amended to provide compensation of \$1,000 each for each regular biennial session, and \$10 per diem for extraordinary or special sessions (not to exceed 30 days), mileage not to exceed 10 cents per mile, and contingent expenses not to exceed \$25 per member for each regular session.

The next change in legislators' compensation was made by a 1924 constitutional amendment which provided that they each receive \$100 per month during the terms for which they were elected, and mileage of not to exceed 5 cents per mile. No allowance for contingent expenses was made.

In 1949, the Constitution was again amended, increasing the monthly salary to \$300 during the term for which the members were elected.

In 1954, the Constitution was amended to provide that each Member of the Legislature receive for his or her services the sum of \$500 for each month of the term for which he or she was elected.⁵²

Legislative salaries on an annual basis were first enacted as a result of a constitutional amendment and passage of a statute by the Legislature in 1966, and were set at \$16,000 per annum. From 1966 until 1988, this annual amount was increased by way of amendments to the statute that were passed by the Legislature, and the annual amount rose from \$16,000 to \$40,816.

In 1990, the voters passed Proposition 112 which amended the Constitution to establish and confer salary setting authority on the California Citizens Compensation Commission.⁵³ This seven-member commission was given the authority to set the salaries of legislators and elected statewide officers by way of a resolution adopted by a majority of the members at the end of each fiscal year.

In December 1990, the Compensation Commission established the current salaries for Members of the Legislature at \$52,500 per annum, the Majority and Minority Floor Leaders in the Assembly

⁵¹ *Constitution of 1849*, Schedule, Section 15; *Statutes of 1850*, Chapter 16.

⁵² Formerly, *Constitution*, Article IV, Section 4.

⁵³ *Constitution*, Article III, Section 8.

and Senate at \$57,750 per annum, and the Speaker of the Assembly and President pro Tempore of the Senate at \$63,000 per annum.⁵⁴

Proposition 112 also amended the Constitution to require that no Member of the Legislature is to accept any honorarium, that the acceptance of gifts that might create a conflict of interest be strictly limited or banned altogether, and that the Legislature enact laws to implement these provisions.⁵⁵ Subsequent legislation codified the prohibition of acceptance of honoraria by elected state officers and limited acceptance of gifts in any year from a single source to no more than \$250 in total value.⁵⁶

Each member is allowed and reimbursed for living expenses (per diem) incurred while attending regular and extraordinary sessions of the Legislature or attending committee meetings, legislative functions or to legislative responsibilities as authorized by the respective Rules Committees. Such per diem may equal, but not exceed, the rate provided to federal employees traveling to Sacramento. At the present time, the members are entitled to an allowance of \$101 per day.⁵⁷

The law also provides that Members of the Legislature, when traveling to and from sessions of the Legislature, committee meetings, legislative functions or responsibilities as authorized by the respective Rules Committees, are entitled to their actual travel expenses incurred when traveling by common carrier, or to \$0.185 per mile if traveling by private conveyance. No travel expense is allowed when traveling in a conveyance owned or provided by a public agency.⁵⁸

⁵⁴ See, "California Citizens Compensation Commission Salary and Benefit Resolution, November 30, 1990." These salary levels remained unchanged in similar Compensation Commission resolutions adopted in 1991, 1992, and 1993. Pursuant to the California Citizens Compensation Commission Salary and Benefit Resolution adopted May 6, 1994, these salaries will increase, effective December 5, 1994, to the following levels: Speaker of the Assembly and President pro Tem of the Senate, \$86,400; Assembly and Senate Majority and Minority Floor Leaders, \$79,200; and other Members of the Legislature, \$72,000.

⁵⁵ *Constitution*, Article IV, Section 5(b) and 5(c).

⁵⁶ *Government Code*, Sections 89500–89505.

⁵⁷ *Government Code*, Section 8902; *Joint Rule 35*.

⁵⁸ *Government Code*, Section 8903; *Joint Rule 35*.

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Assembly Member Willie L. Brown, Jr. is sworn in as Speaker of the Assembly by the Honorable John Dearman, Superior Court Judge, San Francisco, during the organizational meeting of the 1993-94 Regular Session, convened on December 7, 1992.